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"NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS' LICENSE NUMBER."

WARRANTY DEED WITH VENDOR'S LIEN

DATE: Effective October 15, 2012

GRANTOR: DEE ANN FIFER, a single person

GRANTEE AND GRANTEE'S MAILING ADDRESS: FIVE OAKS HOLDING, LLC, a Texas limited liability company, 1861 A Old Stagecoach Road, Kyle, Texas 78640

CONSIDERATION TEN AND NO/100 DOLLARS (\$10.00) and the further consideration and delivery by Grantees of two certain promissory notes of even date herewith as follows: (1) a first lien note in the original principal sum of ONE MILLION ONE HUNDRED FORTY-ONE THOUSAND FIVE HUNDRED NINETY-FOUR AND NO/100 DOLLARS (\$1,141,594.00) and (2) a second lien note in the original principal sum of NINE HUNDRED THIRTEEN THOUSAND TWO HUNDRED SEVENTY-FIVE AND 20/100 DOLLARS (\$913,275.20) both notes payable to the order of PLAINS STATE BANK as therein provided and bearing interest at the rates therein specified and providing for acceleration of maturity in event of default and for attorney's fees.

PROPERTY (including any improvements): All that certain tract or parcel of land situated in the County of Collin, State of Texas, being a part of the John Batterton Survey, Abstract No. 94, the M.E.&P. Survey, Abstract 1065 and the J. Pruitt Survey, Abstract No. 720, being more particularly described in those certain deeds from Lewis Fifer and wife, Jonnie Brook Fifer to Lewis Wilson Fifer, Jr., recorded in Volume 861, Page 141 and Volume 4756, Page 544, Deed Records, Collin County, Texas, and being more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

For Grantor and Grantor's successors, a reservation of an undivided one-half (1/2) interest in all oil, gas and other minerals now owned by Grantor that are in and under the property and that may be produced from it. Grantor waives and conveys to Grantee the right of ingress and egress to and from the surface of the property relating to the mineral estate reserved by Grantor. Grantor expressly covenants and agrees, however, that any future leases for oil, gas and/or other minerals executed by Grantor, or Grantor's heirs, successors or assigns, covering the oil, gas and/or other minerals in and under, and that may be produced from, the property, shall expressly provide that the lessee therein shall have no right to conduct exploration, development or exploration operations on the surface of the property, or any part thereof, or to construct houses, pits, tanks, lines or similar improvements thereon, and that the right to develop and produce the minerals shall be exercised by conducting all such related operations on other property, provided these operations in no way interfere with the surface or subsurface support of any improvements constructed or to be constructed on the property.

This conveyance is made and accepted subject to the following:

- (i) All, leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records.
- (ii) Easement executed by Lewis Wilson Fifer, Sr., et al to J.N. Sanstrom Cemetery Management, dated March 20, 1989, and recorded in Volume 3024, Page 618, Deed Records, Collin County, Texas.
- (iii) Easement executed by Lewis Fifer, et al to J.N. Sanstrom Cemetery Management, dated March 27, 1989, filed March 27, 1989 and recorded in Volume 3024, Page 625, Deed Records, Collin County, Texas.
- (iv) Easement executed by Lewis Fifer, et al to Collin County, dated January 24, 1996, filed February 1, 1996 and recorded in County Clerk's File No. 96-0008452, Deed Records, Collin County, Texas.
- (v) Interest in and to all coal, lignite, oil, gas and other minerals, and rights incident thereto, contained in instrument dated September 26, 1956, recorded in Volume 627, Page 32, Deed Records, Collin County, Texas.
- (vi) Location of Pond and Variation of fence(s) and portion of subject property located in Special Flood Hazard Area Zone "A" determined by Map Number 48085C effective June 2, 2009, and as shown on survey dated August 7, 2012, updated September 25, 2012 and October 8, 2012, prepared by Don Cox, RPL S #4577.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

When the context requires, singular nouns and pronouns include the plural.

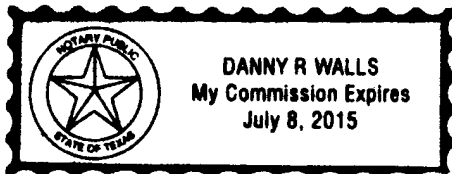
PLAINS STATE BANK at the instance and request of the Grantee herein having advanced and paid in cash to the Grantor herein that portion of the purchase price of the herein described property as is evidenced by the above referenced \$1,141,594.00 note and \$913,275.20 note, the Vendor's Lien in the amount of \$391,147.20 together with the Superior Title to said property is retained herein for the benefit of said PLAINS STATE BANK and the same are hereby TRANSFERRED and ASSIGNED to said PLAINS STATE BANK.

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.

Dee Ann Fifer
DEE ANN FIFER

STATE OF TEXAS
COUNTY OF ANDERSON

This instrument was acknowledged before me on the 15 day of October, 2012, by DEE ANN FIFER.



Danny R. Walls
Notary Public, State of Texas

PREPARED IN THE LAW OFFICE OF
AND AFTER RECORDING RETURN TO:
HYNDS & GORDON, P. C.
500 N. Sam Rayburn Freeway, Suite 200
Sherman, Texas 75090
903/892-1807 (phone)
903/893-2015 (fax)

EXHIBIT "A"

All that certain tract or parcel of land situated in the John Batterton Survey, Abstract Number 94, the M.E.&P. Survey, Abstract Number 1065 and the J. Pruitt Survey, Abstract Number 720, County of Collin, State of Texas, said tract being all of a called 40 acre tract as described in Deed to Dee Ann Fifer, filed 26 August 2011, and Recorded at Clerk's File Number 2011-0826000904480 of the Deed Records of the County of Collin, State of Texas, and being more fully described as follows:

Beginning for the northwest corner of the tract being described herein at a set survey mark nail, said nail being the northwest corner of said Fifer tract, and the northeast corner of a tract as described in Deed to Charles Richard Fifer, filed 15 September 2000, and Recorded at Clerk's File Number 2000-0100732 of said Deed Records, said nail also being in Collin County Road Number 222 (asphalt surfaced);

Thence: South 89 degrees 45 minutes 37 seconds East, with the north line of said Fifer tract, and in CR 222, a distance of 811.28 feet to a set survey mark nail for the northeast corner of said Fifer tract, and the northwest corner of a called 60 acre tract as described in Deed to Ora Maye Fifer Botsford, filed 15 September 2000, and Recorded at Clerk's File Number 2000-0100729 of said Deed Records;

Thence: South 00 degrees 29 minutes 41 seconds West, with the east line of said Fifer tract, and the west line of said Botsford tract, a distance of 2237.04 feet to a set 1/2 inch Steel Square Tubing for the southeast corner of said Fifer tract, and the southwest corner of said Botsford tract, and on the north line of a tract as described in Deed to Ann Laurie Jackson, filed 13 July 2010, and Recorded at Clerk's File Number 2010-0713000719320 of said Deed Records;

Thence: North 89 degrees 26 minutes 08 seconds West, with the south line of said Fifer tract, and the north line of said Jackson tract, a distance of 846.23 feet to a Wood Fence corner Post for the southwest corner of said Fifer tract, and the northwest corner of said Jackson tract, and on the east line of said Charles Fifer tract;

Thence: North 01 degrees 23 minutes 31 seconds East, with the west line of said Dee Fifer tract, and the east line of said Charles Fifer tract, a distance of 225.92 feet to a set 1/2 inch Steel Square Tubing on the south line of a called 2 acre tract as described in deed to Baker Cemetery, filed 27 July 1915 and Recorded in Volume 190 Page 184 of said Deed Records;

Thence: South 88 degrees 36 minutes 29 seconds East, with the south line of said Baker Cemetery, a distance of 400.00 feet to a set 1/2 inch Steel Square Tubing for the southeast corner of said Baker Cemetery;

Thence: North 01 degrees 23 minutes 31 seconds East, with the east line of said Baker Cemetery, a distance of 210.00 feet to a set 1/2 inch Steel Square Tubing for the northeast corner of said Cemetery;

Thence: North 88 degrees 36 minutes 29 seconds West, with the north line of said Cemetery, a distance of 400.00 feet to a set 1/2 inch Steel Square Tubing for a corner of this tract, and on the west line of said Dee Ann Fifer tract, and on the east line of said Charles Fifer tract;

Thence: North 01 degrees 23 minutes 31 seconds East, with the west line of said Dee Fifer tract, and the east line of said Charles Fifer tract, a distance of 1796.76 feet to the POINT OF BEGINNING and containing 40.588 acres of land.

Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
10/22/2012 02:16:02 PM
\$28.00 CLUNA
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